

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

ISABEL TERESA FERNANDEZ JENKINS, as :

Next of kin of MYKEL D. JENKINS (Deceased),

Plaintiff,

vs.

Civil Action No. 1:22-cv-69

CITY OF CHATTANOOGA, CHATTANOOGA

POLICE DEPARTMENT, JOHN DOE 1, JOHN

DOE 2, JOHN DOE 3, and JOHN DOE 4, in their

Official capacities as agents for the Chattanooga :

Police Department,

Defendants.

**MOTION FOR CHANGE OF VENUE**

Comes now the Defendants, City of Chattanooga, City of Chattanooga Police Department, John Doe 1, John Doe 2, John Doe 3, and John Doe 4, in their official capacities as agents for the Chattanooga Police Department (collectively “Defendants”), and file their Motion for a Change of Venue pursuant to Rule 7(b) of the Federal Rules of Civil Procedure. In support of their Motion, Defendants would state the following:

1. Trial is currently scheduled for January 8, 2024 and is expected to last five (5) days.
2. The aforementioned trial is scheduled to be heard in the Greeneville Division of the Eastern District of Tennessee at the James H. Quillen United States Courthouse.
3. Defendants filed a Motion for Summary Judgment in this matter on October 2, 2023 (Document 29) in accordance with the scheduling order entered by this Court on July 7, 2022 (Document 16). The Summary Judgment Motion is currently pending before this Court and no order on the Motion has been entered by this Court. Defendants do not know when the Motion for Summary Judgment will be resolved, which necessitated the filing of this motion to address the issue of venue prior to the scheduled trial date.

4. Defendants respectfully request that the trial currently scheduled for January 8, 2024, be heard in Chattanooga, Tennessee, if there is sufficient space available, for the following reasons:

- a. All parties to this case are located in or close to the Hamilton County/Greater Chattanooga area;
- b. The Courthouse is approximately one hundred and eighty-one (181) miles from the location of the Defendants;
- c. The Defendants expect to call at least thirty (30) witnesses who live in or around the Hamilton County/Greater Chattanooga area and it would be extremely difficult to coordinate the necessary testimony required to present Defendants' case; and
- d. If the trial is held in Greeneville, Tennessee, it will cause an undue burden on the Defendants, and possibly even the Plaintiff as well to travel to Greenville, Tennessee for the duration of the trial which is currently scheduled for five (5) days.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that the current venue be changed from Greeneville, Tennessee to Chattanooga, Tennessee for the reasons stated herein.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY  
CITY OF CHATTANOOGA, TENNESSEE

By: s/ Phillip A. Noblett

PHILLIP A. NOBLETT (BPR #10074)  
*City Attorney*  
KATHRYN MCDONALD (BPR#30950)  
*Assistant City Attorney*  
100 E. 11th Street, Suite 200  
Chattanooga, Tennessee 37402  
(423) 643-8250 (telephone)  
(423) 643-8255 (facsimile)

*Attorneys for Defendants*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Robert Davis  
Corissa Davis  
DAVIS, KESSLER, & DAVIS  
433 Cherokee Boulevard  
Chattanooga, TN 37405

This 6<sup>th</sup> day of November, 2023

s/ Phillip A. Noblett

City of Chattanooga, Tennessee  
Office of the City Attorney  
100 E. 11th Street, Suite 200  
Chattanooga, Tennessee 37402  
(423) 643-8250  
[pnoblett@chattanooga.gov](mailto:pnoblett@chattanooga.gov)